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10 Attorneys for Defendants  
11 ROCKSTAR, INC. and  
12 ROCKSTAR BEVERAGE CORPORATION

13 **IN THE UNITED STATES DISTRICT COURT**  
14 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

15 SUZANNE ALAEI, individually and on  
16 behalf of all others similarly situated,

17 Plaintiff

18 vs.

19 ROCKSTAR, INC. and ROCKSTAR  
20 BEVERAGE CORPORATION,

21 Defendants

Case No. 3:15-cv-02959-JAH-BGS

**DEFENDANTS ROCKSTAR, INC.'S  
AND ROCKSTAR BEVERAGE  
CORPORATION'S NOTICE OF  
MOTION AND MOTION TO  
DISMISS AND/OR STRIKE THE  
FIRST AMENDED COMPLAINT**

Hearing Date: Monday, May 9, 2016  
Time: 2:30 p.m.  
Courtroom: 13B  
Judge: Hon. John A. Houston

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on May 9, 2016, at 2:30 p.m., or as soon  
3 thereafter as the matter may be heard in the above-entitled Court, located at 333 West  
4 Broadway, San Diego, California, in Courtroom 13B, Defendants Rockstar, Inc. and  
5 Rockstar Beverage Corporation will and hereby do move to dismiss and/or strike the  
6 entire First Amended Complaint in the above-captioned action under Federal Rules of  
7 Civil Procedure 12(b)(6) and 12(f), as well as Civil Local Rule 7.1. Defendants' motion  
8 is based on this Notice of Motion and Motion, the accompanying Memorandum of Points  
9 and Authorities, and any further evidence or argument that the Court may properly  
10 receive.

11  
12 Dated: March 21, 2016

Respectfully submitted,

13 HARVEY SISKIND LLP  
14 IAN K. BOYD  
15 DONALD A. THOMPSON

16 By: s/ Ian K. Boyd

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18 Attorneys for Defendants  
19 ROCKSTAR, INC. and  
20 ROCKSTAR BEVERAGE  
21 CORPORATION  
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